

### REMARKS

The foregoing amendment does not include the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the above amendment be entered in and that the claims to the present application be, kindly, reconsidered.

The Office Action dated October 24, 2003 has been received and considered by the Applicants. Claims 1-21 are pending in the present application for invention. Claims 1-21 stand rejected by the October 24, 2003 Office Action.

The Office Action rejects Claims 1-17 under the provisions of 35 U.S.C. §101, because the claims are directed to non-statutory subject matter. The Examiner states that Claims 1 and 10 are not limited by language to a useful, concrete and tangible application with the technological arts, and that Claims 1 and 10 suffer from undue-breadth. The Applicants would like to, respectfully point out that the terms used within the rejected claims should be read in light of the specification. The Applicants do not agree with the example provided by the Examiner that the invention as recited by rejected claims can be provided on a post-it note. A third party selection history, a user profile and clusters as defined by the specification cannot be provided on a post-it note. However, in an effort to move this case towards allowance, independent claims 1 and 10 have been amended to clearly indicate that the items are associated with a display media. These claims covered by this rejection now clearly recite elements that indicate that they relate to the application of technology.

The Office Action rejects Claims 1-21 under the provisions of 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,359,270 (3/19/2002) issued to Bridson (hereinafter referred to as Bridson). The Applicants, respectfully, disagree that the present invention as recited by the rejected claims is obvious in view of Bridson.

The Examiner states that Bridson discloses updating a user profile including obtaining a third party selection history indicating items that are selected by at least one third party, partitioning third party selection history into clusters of items, receiving a selection from the user and updating the user profile with items from the selected cluster. The Examiner cites as support for these statements: column 21, lines 1-67; FIG. 12 and FIG. 13 of cited reference Bridson.

The Examiner then states that Bridson does not disclose partitioning the third party

selection history into clusters of items. The Applicant would like to, respectfully, point out that this statement is in direct contradiction to the previous assertion made by the Examiner. The Applicant would also like to, respectfully, point out that a clear reading of the cited portion (column 21, lines 1-67; FIG. 12 and FIG. 13) from Bridson does not disclose partitioning a third party selection history into clusters.

The Examiner admits that Bridson does not disclose receiving a selection from the user of at least one of the clusters, and updating the user profile with items from the selected cluster. The Examiner further states that it would be obvious to a person of ordinary skill in the art up to perform the foregoing items because such selection would have provided a means of varying advertising information images in accordance with stored user characteristics including preterm in preferences and interests, demographic standing, and recent buying or browsing patterns. The Examiner apparently is indicating that column 5, lines 31-35 of the cited reference Bridson provides a suggestion to make the modification that is presented by the Examiner. This portion of that Bridson discusses modifying third party content in accordance with a user profile and does not pertain to modifying the user profile according to a selected cluster of cluster of third party content. The Applicants, respectfully, submit that the rejection does not reach the basic premise recited by the rejected claims wherein a third party selection history that indicates items selected by a third party is used to update a user profile. The Examiner is simply reciting elements from the rejected claims and then stating that Bridson teaches those elements. The Applicants, respectfully, submit that this rejection amounts to no more than hindsight recreation on the part of the Examiner.

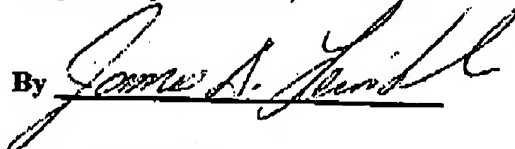
The Applicant would like to, respectfully, point out that column 21, lines 1-67; FIG. 12 and FIG. 13 of cited reference Bridson discusses a content engine that takes feeds from third party content providers and that the third party content as taught by Bridson does not disclose, or suggest, "a third party selection history". The Applicant, respectfully, asserts that third party content is not equivalent to "a third party selection history". The rejected claims to the present invention recite obtaining a third party selection history indicating items selected by a third party. There is no disclosure, or suggestion within Bridson for employing a third party selection history. Additionally, there is no disclosure, or suggestion within Bridson for creating clusters of a third party selection history. Moreover, there is no disclosure, or suggestion within Bridson for using selected clusters of a third party selection history to update a user profile. Accordingly

this rejection is, respectfully, traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

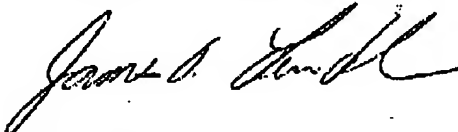
Respectfully submitted,

By 

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